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09/846,249	05/02/2001	Dennis Mendiola	YSAP.CHIKKA.PT3	5943

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EXAMINER

BARQADLE, YASIN M

ART UNIT PAPER NUMBER

2153

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,249

Applicant(s)

MENDIOLA ET AL.

Examiner

Yasin M. Barqadle

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's arguments filed on August 01, 2005 have been fully considered but they are not deemed to be persuasive.

- Claims 7-8 have been canceled.
- Claims 1-6 and 9-13 are presented for examination.

Response to Amendment

Applicant argues in pages 6 second paragraph that "Aravamudan fails to teach anywhere that "each client type [has] a unique identifier to enable access thereto via said network". Examiner notes that Aravamudan teaches a unified messaging solution where plurality of client premises equipment (CPE 140, fig. 1) that include a client's personal computer (PC) 142, wired telephone 144 or screen phone, wireless cellular phone 150 or screen phone, wireless or wired personal digital assistant (PDA) 146 are registered with Instant Message service provider for data and communication access over multiple networks. A user proxy is registered to the user as a personal communication services platform. Instant messaging is used for communications between the user and the communication services platform's user proxy (abstract and col. 3, lines 28-52). Aravamudan further teaches each client device has software installed. The user connects and

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registers, via his uniquely identified CPE, to the provider's secure provisioning server by entering his selected password. The provisioning server, registers the address of the user's Instant message server and provisions the client CPE software with a unique identification (ID). The provisioning server additionally conveys a copy of the user address and password to the Communication Services Platform (CSP) to create personal and administrative databases for the new user. The CSP also conveys the unique ID created to the IM server, creating a new IM account for the user. The IM server creates an initial buddy group for the user, which includes the user's CPE and CSP identity (col. 6, lines 45-63). Therefore, Aravamudan clearly teaches unique identifier for each client device.

Applicant also argues in page 7, second paragraph that "Aravamudan does not disclose a matching of each client type "unique identifier" to "unique identification number" of the client's account as recited in claim 1." Examiner notes that The IM server creates an initial buddy group for the user, which includes the user's CPE and CSP identity as explained above. Furthermore, Aravamudan show by way of an example how a unique identification number such as a phone number or an Internet address of client is use to make match. "For example, say a client subscribing to the Communication Services Platform with

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Instant Messaging Service has an incoming voice call. The incoming call is directed to the client's Communication Services Platform. The services executive 164 directs the network as to how it should proceed with the voice call. The services executive 164 maintains a plurality of rules and real term events which may, for example, direct the network services interface 162 to complete the voice call to a particular phone number, or it may determine that the voice call should be directed to a particular e-mail address, or it may determine that the voice call should be placed on hold while attempts are made to locate the present location and interface over which the client may be reached." (Col. 5, lines 56 to col. 6, line 2). Therefore, based on the identification of the client such as a unique phone number or Internet address found in the instant message service database for a particular subscriber a match is made and the detected instant message events is forwarded to the subscriber.

Applicant also argues in page 8, first paragraph that Fuchigami fails to teach a "client having a single account...for all of its client types..." Examiner notes that Fuchigami teaches plurality of different user using a single account that is common to all col. 1, lines 39 to col. 2, lines 11 and col. 2, lines 19-27).

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In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, examiner notes that one ordinary skill would be motivated to combine the reference, because it enables users to access their electronic message from different devices with a common account at any location any time and for the advantage that each user need not acquire a plurality of accounts, and hence can save the charges for accounts.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al USPN (6301609) in view of Fuchigami USPN. (6393463).

As per claim 1, Aravamudan et al teach an instant messaging system (abstract) comprising:

a plurality of clients (clients 142, 144, 150 and 150) having IM client applications of the same or different types;

an IM server (IM server 130) selectively connected to each of said clients via a computer network (fig. 1) and providing prescribed range of functionality to said clients [col. 4, lines 54 to col. 5, line 14];

each client type having a unique identifier to enable access thereto via said computer network [clients are registered with IM services provider col. 5, lines 2-31 and col. 5, lines 52 to col.6, lines 63]; and

each client having a single account on said IM server for all of its client types that can access said IM server [client is registered with IM server and is give a unique ID col.6, lines 13-63];

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wherein said account is identified by a unique identification number [col.6, lines 13-63]; and

wherein each said unique identifier of each client type of a said client is matched to said unique identification number of the particular client [col.7, lines 1-20].

Although Aravamudan et al shows substantial features of the claimed invention, he does not explicitly show an account common to all of the client types.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan et al, as evidenced by Fuchigami USPN. (6393463).

In analogous art, Fuchigami whose invention is about an electronic messaging system where plurality of devices (PDA device (5) and personal computer (6) access a mail server 3, fig. 1, using a common account [col. 1, lines 39 to col. 2, lines 27). Giving the teaching of Fuchigami, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Aravamudan et al by employing the system of Fuchigami. One would be motivated to so because users could accesses their electronic message from different devices with a common account from any location at any

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time, in this way each user need not acquire a plurality of accounts, and hence can save the charges for accounts.

As per claim 3, Aravamudan et al teach an instant messaging system as claimed in claim 1, wherein said prescribed range of functionality includes:

(i) sending a message from one client to another [col. 7, lines 15-33];

(ii) receiving a message sent by one client to another [col. 7, lines 15-33]; and

(ii) identifying which members of a group of clients that a client is a member or prospective member of are currently connected to the computer network or are probably so connected [col. 7, lines 15-33].

As per claim 4, Aravamudan et al teach an Instant messaging system as claimed in claim 1, wherein said computer network is the internet of direct electronic link of computers and other electronic devices [fig. 1 and col. 3, lines 28-52].

As per claim 6, Aravamudan et al teach a method for instant messaging (abstract) between a plurality of clients (clients 142, 144, 150 and 150) having IM applications of the same or

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different types (col. 6, lines 45-63), selectively interconnected to an IM server (IM server 130) by way of a computer network (fig. 1), whereby each client type has a unique Identifier to enable access thereto via the computer network (col.6, lines 32-63), the method comprising the following steps:

providing a single account on the IM server for each client in respect of all of its client types that can access the IM server (col.6, lines 13-63];

identifying the account by a unique identification number 13-63]; and

matching each unique identifier of each client type of that client to said unique identification number thereof [col.7, lines 1-20].

As for an account common to all of the client type, see the rejection of claim 1 above.

As per claims 9-13, these claims have similar limitation as claims 1 and 3 combined. Therefore, they are rejected with the same rationale

3. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al USPN (6301609) in view of McDowell et al US PUB (20010034224).

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As per claim 2, Aravamudan et al teach an instant messaging system as claimed in claim 1, wherein said client types include clients connected to the computer network via:

- (i) a Pc-based instant messaging client application program [pc 142];

- (ii) a GSM device [wireless cell phone 150];

- (iii) an Internet browser-based client application (col. 7, lines 26-33]; or

- (iv) an email-based client application [col. 7, lines 26-33].

As per claim 2, although Aravamudan et al shows substantial features of the claimed invention, including wireless devices that receive and send data packets in a wireless network, he does not explicitly show a GSM network.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan et al, as evidenced by McDowell et al US Pub. (20010034224).

In analogous art, McDowell et al whose invention is about an instant messaging system for sharing event information among mobile (wireless) devices, disclose a wireless network using GSM standards [paragraph 14, page 1]. Giving the teaching of McDowell et al, a person of ordinary skill in the art would have

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readily recognized the desirability and the advantage of modifying Aravamudan et al by employing the system of McDowell et al because it facilitates the sharing of event information such as the presence on a network among mobile users, thereby allowing instant messaging to occur among wireless devices and devices that are on the Internet [paragraphs 0016 and 0028].

As per claim 5, McDowell et al, as modified, teach the instant messaging system as explained in claim 1, wherein the client types (22, 24 and 28) connected to the computer network via the GSM network (fig. 1) have SMS capability (message can be in the form of a short message on a small screen on the user's cell phone, paragraph 0040) and are initially connected via an SMSC server (SMS server 14, fig.1) to control and manage said SMS there between, and wherein said SMSC server is directly connected to said IM server via said computer network [see fig.1 and paragraphs 0032-0035 page 2].

Conclusion

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

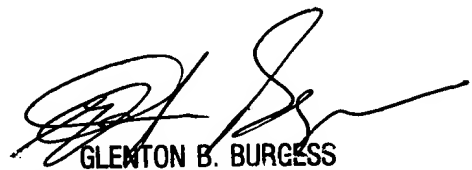
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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